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10 UNITED STATES DISTRICT COURT
11 EASTERN DISTRICT OF CALIFORNIA

12 MICHAEL JAMES PRATT,) Case No. 2:23-cv-02361-AC
13)
14 Plaintiff,) **STIPULATION FOR THE AWARD AND**
15) **PAYMENT OF ATTORNEY FEES**
16 vs.) **PURSUANT TO THE EQUAL ACCESS**
17) **TO JUSTICE ACT , 28 U.S.C. § 2412(d),**
18) **AND COSTS PURSUANT TO 28 U.S.C.**
19) **§ 1920; [PROPOSED] ORDER**
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IT IS HEREBY STIPULATED by and between the parties, through their undersigned counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees in the amount of EIGHT THOUSAND DOLLARS AND ZERO CENTS (\$8,000.00) under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), and costs in the amount of FOUR HUNDRED AND TWO DOLLARS (\$402.00) under 28 U.S.C. § 1920. This amount represents compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 1920; 2412(d).

Stipulation; [Proposed] Order
2:23-cv-02361-AC

1 After the Court issues an order for EAJA fees to Plaintiff, the government will consider the
2 matter of Plaintiff's assignment of EAJA fees to counsel Francesco Benavides (Counsel).
3 Pursuant to *Astrue v. Ratliff*, 560 U.S. 586, 598 (2010), the ability to honor the assignment will
4 depend on whether the fees are subject to any offset allowed under the United States Department
5 of the Treasury's Offset Program. After the order for EAJA fees is entered, the government will
6 determine whether they are subject to any offset.

7 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines
8 that Plaintiff does not owe a federal debt, then the government shall cause the payment of fees and
9 costs to be made directly to Counsel, Francesco Benavides, pursuant to the assignment executed
10 by Plaintiff. Any payments made shall be delivered to Counsel.

11 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA
12 attorney fees, and does not constitute an admission of liability on the part of Defendant under the
13 EAJA or otherwise. Payment of the agreed amount shall constitute a complete release from, and
14 bar to, any and all claims that Plaintiff and/or Counsel, including Counsel's law office and any
15 associates, may have relating to EAJA attorney fees in connection with this action.

16 This award is without prejudice to the rights of Counsel to seek Social Security Act
17 attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA.

18 Respectfully submitted,

19 Dated: March 7, 2024

LAW OFFICES OF FRANCESCO BENAVIDES

20 By: /s/ Francesco Benavides*

21 FRANCESCO BENAVIDES

22 Attorneys for Plaintiff

23 [*As authorized by e-mail on Mar. 7, 2024]

24 Dated: March 11, 2024

PHILLIP A. TALBERT

United States Attorney

25 By: /s/ Margaret Branick-Abilla

26 MARGARET BRANICK-ABILLA

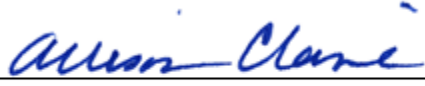
27 Special Assistant United States Attorney

28 Attorneys for Defendant

[PROPOSED] ORDER

Pursuant to stipulation, IT IS SO ORDERED.

Dated: March 11, 2024



ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE